

Appl. No. 09/734,752
Amdt. Dated January 26, 2004
Preliminary Amendment

REMARKS

Applicants' representative, Sandra Wells, met with Examiner Spiegler on January 20, 2004 to discuss the present application. During the interview the newly amended claims filed on September 29, 2003 were discussed. Differences between the present claims and Friend *et. al.*, (US 6,218,122) were also discussed. During the interview it was discussed that amending the claims, so that the step of determining reproductive status is by determining menstrual state, may facilitate allowance. Determination of menstrual state entails, for example, determining the phase of the menstrual cycle of the source of the sample, for example, the secretory or proliferative phases, see the specification at page 26, lines 4-6. Applicants have amended the claims as discussed.

In view of the amendments, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. By these amendments, the Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which Applicants are entitled. It is respectfully submitted that no new matter has been introduced by the present amendments and entry of the same is respectfully requested.

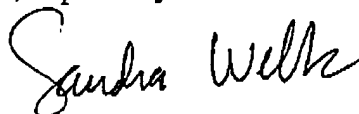
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CONCLUSION

For these reasons, Applicants believe all pending claims are now in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5768. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,



Sandra Wells
Reg. No.: 52,349

Date: 1/26/2004
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